

REMARKS

Rejected claim 4 has been cancelled without prejudice.

Claim 11 has been rejected under 35 U.S.C. § 112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This claim has been amended in consideration of the Examiner's comments to define the invention with greater particularity using acceptable range designations of temperatures. It is therefore respectfully submitted that claim 11 as amended is now patentable to Applicants.

Rejected claims 3-5 and 13 have been cancelled without prejudice.

Claims 1, 2 and 6 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Wang et al '767. This rejection is respectfully traversed with respect to these claims as amended herein.

Specifically, these claims now variously recite "a first jaw member having a recess in a surface thereof adapted to receive the ablation device therein," and "a structure operably attaching the first jaw member to the second jaw member for selectively effecting closure of the first and second jaw members to operatively engage the ablation device upon a target tissue disposed between the first and second jaw members" or "a transmural system disposed on one of the first and second jaw members for monitoring completion of an ablation lesion in target tissue disposed between the first and second jaw members."

These aspects of the claimed invention facilitate insertion of an ablation device into the recess in a jaw member of the clamp accessory for ease and versatility of surgical procedures with the clamp accessory.

These aspects of the claimed invention are not disclosed by Wang et al '767 that are understood to rely upon a dedicated structure as an ablation device, and do not disclose a clamp accessory having a recess in a surface of a jaw member for receiving an ablation device, in any manner or configuration resembling Applicants' claimed invention. It is therefore respectfully submitted that claims 1, 2 and 6 are not anticipated by, but instead are now patentably distinguishable over Wang et al '767.

Rejected claims 8, 9 and 14 have been cancelled without prejudice.

Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang et al '767 in view of Hooven et al '536. This rejection is respectfully traversed with respect to this claim as amended herein.

This claim variously depends from claims 1 and 6 which are submitted to be allowable as amended herein, and this claim is submitted to be allowable for that reason and for additional recitation of "at least two electrodes adapted to selectively transfer electrical signals therebetween through the target tissue to measure at least one of conduction time, conduction distance, conduction velocity,

phase angle, and impedance through at least a portion of the targeted biological tissue for monitoring the transmural of an ablation lesion formed therein."

These aspects of the claimed invention are not disclosed or suggested by the cited references considered either alone or in the combination proposed by the Examiner.

Specifically, the deficient disclosure of Wang et al '767 is discussed in the above Remarks, and Hooven et al '536 is understood to rely upon monitoring the same electrical signal that is forming the ablation also to provide indication of transmural of the ablation lesion. Thus, it is submitted that combining Wang et al '767 and Hooven et al '536 nevertheless fails to establish, in any manner resembling Applicants' claimed invention, a clamp accessory for an ablation device disposed in a recess of a jaw member, with electrodes separate from the ablation device for monitoring transmural of a lesion formed by the ablation device. It is therefore respectfully submitted that dependent claim 7 is now patentably distinguishable over the cited art.

Rejected claim 9 has been cancelled without prejudice.

Claims 10-12 have been rejected under 35 U.S.C § 103(a) as being unpatentable over Wang et al '767 in view of Hooven et al '536 further in view of Francischelli et al '360. This rejection is respectfully traversed with respect to these claims as amended herein.

These claims variously depend from claim 1, and additionally recite "a liquid crystal sheet disposed on the inner surface of the second jaw member and adapted to provide a color change in response to attaining a desired ablation temperature in the target tissue," or "the liquid crystal sheet is adapted to change color at a temperature in the range from about 48 C to about 52 C," or "the liquid crystal sheet is adapted to provide a color gradient corresponding in response to a temperature gradient monitored in the target tissue."

These aspects of the claimed invention facilitate temperature monitoring of ablated tissue from one jaw member located on target tissue opposite a surface thereof that is exposed to an ablation device disposed in an opposite jaw member.

These aspects of the claimed invention are not disclosed or suggested by the cited references considered either alone or in the combination proposed by the Examiner.

As the Examiner correctly notes, Wang et al '767 in view of Hooven et al '536 fail to disclose a liquid-crystal color-changing thermometer. And, it should be noted that Francischetti et al '360 disclose measuring temperature of an ablation lesion on the same surface of tissue that is being ablated. These references are not understood to disclose or even suggest an arrangement of liquid-crystal sheet on a jaw of a clamp accessory opposite a jaw of the clamp accessory that receives an ablation device for monitoring transmuralty of an ablation lesion from a surface

of tissue opposite a surface exposed to the ablation device. It is therefore respectfully submitted that claims 10-12 as amended herein are now patentably distinguishable over the cited art.

New claims 15-18 are submitted herewith to provide the scope and breadth of claims coverage to which it is submitted Applicants are entitled in view of the cited art.

Reconsideration and allowance of all claims are solicited.

Respectfully submitted,
Dany Berube, et al.

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By: Albert C. Smith
Albert C. Smith, Reg. No. 20,355
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7296
Fax.: (650) 938-5200